

ESTTA Tracking number: **ESTTA532232**

Filing date: **04/15/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	BHPC ASSOCIATES LLC		
Entity	limited liability company	Citizenship	Delaware
Address	1370 Broadway New York, NY 10018 UNITED STATES		

Attorney information	Robert L. Epstein Epstein Drangel LLP 60 East 42nd Street Suite 2410 New York, NY 10165 UNITED STATES mail@ipcounselors.com Phone:212-292-5390
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Registration Subject to Cancellation

Registration No	1743296	Registration date	12/29/1992
Registrant	SANTA BARBARA POLO CLUB 301 NORTH LAKE AVENUE NO.900 PASADENA, CA 91101 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 1976/00/00 First Use In Commerce: 1984/00/00 All goods and services in the class are cancelled, namely: clothing; namely, shirts, sweatshirts, hats, neckties, and shoes

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	041513 Cancellation.pdf (5 pages)(88683 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Robert L. Epstein/
Name	Robert L. Epstein
Date	04/15/2013

	:	x
BHPC ASSOCIATES LLC,	:	
	:	
Petitioner,	:	Cancellation No.
	:	
v.	:	
	:	
	:	
SANTA BARBARA POLO & RACQUET	:	
CLUB	:	
	:	
Registrant.	:	x

Petitioner, BHPC Associates LLC, of 1370 Broadway, New York City, New York 10018, believes that it is being damaged by Registration No. 1743296, issued December 29, 1992, for the trademark SANTA BARBARA POLO & RACQUET CLUB and Polo Player Design and therefore petitions to cancel said registration.



As grounds for its petition, Petitioner, by and through its undersigned attorneys, alleges as follows:


1. Continuously and for many years, Petitioner has offered and continues to offer a variety of goods, including clothing and footwear bearing the mark BEVERLY HILLS POLO CLUB and a design including the image of a polo player on horseback swinging his mallet (the “BEVERLY HILLS POLO CLUB and Polo Player Design mark”).

2. Over a prolonged period of time, Petitioner has invested a substantial amount of time, effort and money promoting its BEVERLY HILLS POLO CLUB and Polo Player Design

mark and the goods bearing that mark. As a result of its promotional efforts, a tremendous volume of sales, and extensive use of the BEVERLY HILLS POLO CLUB and Polo Player Design mark, Petitioner's BEVERLY HILLS POLO CLUB and Polo Player Design mark has attained widespread acclaim in the United States, and has come to be exclusively recognized as identifying the products of Petitioner. Since long before any use of or alleged rights of Applicant in the mark hereby opposed, Petitioner's BEVERLY HILLS POLO CLUB and Polo Player Design mark has become distinctive of Petitioner's goods and represents a tremendous amount of goodwill of Petitioner's business.

3. In addition to its common law rights, Petitioner owns the following incontestable United States trademark registrations of the BEVERLY HILLS POLO CLUB and the Polo Player Design mark for use in the aggregate in connection with Petitioner's goods:

MARK	Class(es)	REGISTRATION NUMBER	REGISTRATION DATE
	25	1429311	02-17-1987
	09,14,18,24,25	1751058	02-09-1993

	25	2214846	12-29-1998
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4. Petitioner's registrations are valid, subsisting, in full force and effect, incontestable, and are evidence of Petitioner's exclusive right to use its registered mark on the goods identified in said registrations, pursuant to 15 U.S.C. §§ 1057 and 1115.

5. Upon information and belief, Santa Barbara Polo & Racquet Club ("Registrant") is the owner of Registration No. 1743296, issued December 29, 1992, for the trademark SANTA BARBARA POLO & RACQUET CLUB and Polo Player Design ("Registrant's Mark") for the following goods: "Clothing; namely, shirts, sweatshirts, hats, neckties, and shoes" in International Class 025.

COUNT I - ABANDONMENT

6. Petitioner repeats and realleges each of the allegations set forth in Paragraphs 1 through 5 of the Petition above, as though same were fully set forth herein.

7. Upon information and belief, Registrant has not used Registrant's Mark in commerce on some or all of the goods identified in Registration No. 1743296.

8. Upon information and belief, Registrant has abandoned any right it may have, or may have had, to use Registrant's Mark on the goods identified in Registration No. 1743296.

9. Upon information and believe, Registrant has abandoned Registration No. 1743296.

10. Upon information and belief, Registration No. 1743296 is invalid because of abandonment and should be cancelled in its entirety.

11. By reason of the foregoing, Petitioner will be damaged by the continued registration of the mark of Registration No. 1743296.

WHEREFORE, it is respectfully requested that this petition for cancellation be sustained and that the Registration No. 1743296 be cancelled.

Respectfully submitted,

EPSTEIN DRANGEL LLP

Dated: April 15, 2013

By: 

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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition for Cancellation was served by First Class Mail, with sufficient postage prepaid, on this 15th day of April, 2013, upon Registrant's attorney of record:


PERRY J. VISCOUNTY

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BY:


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